

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LUIS TORRES,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

Civil Action No. 08-200 Erie

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on July 9, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on June 28, 2010 [30], recommends that the Defendants' Motion to Dismiss for Failure to Prosecute [29] be granted and the instant civil rights action be dismissed for Plaintiff's failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Albion, his last address of record, and on the Defendants. No objections have been filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 22nd day of July, 2010;

IT IS ORDERED that the Defendants' Motion to Dismiss for Failure to Prosecute [29] be, and hereby is, GRANTED and the instant civil rights action be, and hereby is, DISMISSED for Plaintiff's failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated June 28, 2010 [30], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter